

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

SHANNON EAVENSON,

Plaintiff,

vs.

Civ. No. 00-757 JP/WWD

PUBLIC SERVICE COMPANY OF
NEW MEXICO,

Defendant.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court upon Defendant's Motion for Protective Order filed March 14, 2001 [docket no. 40]. Plaintiff served a Notice of Deposition Duces Tecum for the oral deposition of Jacqueline M. Woodcock, Esq. for February 16, 2001. A Notice of Nonappearance was filed, and the instant motion followed. Exhibit A to the Notice of Deposition Duces Tecum sought the following, to wit:

- (1) All documents concerning Shannon Eavenson relating to the improper conduct of any Public Service Company of New Mexico representative.
- (2) All documents relating to any directives, interviews, or investigations pertaining to, involving, or disclosing "improper conduct" of any Public Service Company of New Mexico representative.

In resisting production at the time of Woodcock's deposition of the above described documents, Defendant indicates that the documents involve confidential communications between certain PNM employees made for the purpose of facilitating their rendition of professional legal services

to PNM in anticipation of litigation. Woodcock kept notes of the interviews and participated in the writing of a report regarding the investigations made for PNM management. Without having a better idea of the content, format, etc., of the report in question and the notes underlying the report, I am unable to evaluate the attorney/client privilege claims or the work product claim. Accordingly, Defendant should deliver to the undersigned for an *in camera* inspection the documents for which attorney/client privilege or work/product privilege is being asserted in connection with the Notice of Deposition Duces Tecum which has been served on Defendant. This delivery should be made on or before MAY 10, 2001.

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE